

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

[R08-211]

PREAMBLE

- 1. Sections Affected**
R4-16-205
- Rulemaking Action**
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 32-1403(A)(9)
Implementing statute: A.R.S. §§ 32-1422(A)(8), 32-1425(A), 32-1426(A), 32-1429(A)(5), 32-1430(A), 32-1432(B)(2), 32-1432.01(C), 32-1432.02(A), 32-1432.03(2), 32-1436, 32-1491(A)(4)
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 14 A.A.R. 2041, May 23, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Lisa Wynn, Executive Director
Address: 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551-2791
Fax: (480) 551-2828
E-mail: lwynn@azmd.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
According to A.R.S. § 32-1436, the Board is required to establish nonrefundable fees at its annual fall meeting. The Board is making rules to codify the fees that are currently on its web site at www.azmd.gov and being charged to applicants and licensees. The Board has been charging the fees on its web site since September 2006.
- 6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Board did not review or rely on any study.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
The fee increases affect the Board, an applicant, a licensed physician, and a patient. The Board should experience moderate costs to write and implement the rules. Pursuant to A.R.S. § 32-1436, the Board is required to establish fees at its annual fall meeting. At its September 2006 meeting, the Board increased the following fees by the following amounts: issuing an initial license from \$450 to \$500; Biennial license renewal from \$450 to \$500; Reactivation of an inactive license from \$450 to \$500; locum tenens registration from \$200 to \$350; Annual teaching license at an approved school of medicine or an approved hospital internship, residency, or clinical fellowship program from \$225

Notices of Proposed Rulemaking

to \$250; annual renewal to dispense drugs and devices from \$100 to \$150; verifying a license from \$5 to \$10 per request. All other fees remain as stated in the current rules. An applicant or licensee experienced and continues to experience a minimal increase in fees for each increase listed above.

The Board currently licenses 19,400 physicians and receives approximately 1450 applications to practice medicine a year. A licensed physician may choose to pass the costs of the increased fees to patients.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Lisa Wynn, Executive Director
Address: 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551-2791
Fax: (480) 551-2828
E-mail: lwynn@azmd.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 25, 2008
Time: 9:00 a.m.
Location: 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

A person may submit written comments about the proposed rules no later than 5:00 p.m. on August 25, 2008 to the individual listed in items 4 and 9.

Persons with a disability may request reasonable accommodations by contacting the individual listed in item 4 or 9. Requests should be made as early as possible to allow sufficient time to arrange for the accommodations.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

ARTICLE 2. LICENSURE

Section

R4-16-205. ~~Miscellaneous Fees~~

ARTICLE 2. LICENSURE

R4-16-205. ~~Miscellaneous Fees~~

The Board charges the following fees, ~~are established~~ which are nonrefundable according to A.R.S. § 32-1436:

1. Application to practice ~~allopathic medicine~~ for a license through endorsement, USMLE Step 3, or Endorsement with SPX Examination, \$500;
2. ~~For issuing Issuance of~~ an initial license, \$450, ~~which may be prorated from date of issuance to date of license renewal \$500;~~
3. ~~Two-year Biennial~~ license renewal, ~~\$450~~ \$500;
4. Reactivation of an inactive license, \$450, ~~which may be prorated from date of reactivation to date of license renewal \$500;~~
5. Application for a temporary license to practice medicine, \$200;
6. Locum tenens registration, ~~\$200~~ \$350;
7. Duplicate license, \$50;
8. Annual registration of an approved internship, residency, clinical fellowship program, or short-term residency, \$25

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- \$50;
9. Annual teaching license at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, ~~\$225~~ \$250;
 10. Five-day teaching permit at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, \$100;
 11. Copy of the annual allopathic directory in either paper or CD-ROM format, \$30;
 12. Initial registration to dispense drugs and devices, \$200;
 13. Annual renewal to dispense drugs and devices, ~~\$100~~ \$150;
 14. Penalty fee for late renewal of an active license, \$350;
 15. Verifying a license, ~~\$5~~ \$10 per request;
 16. ~~Copies~~ A copy of the minutes of ~~all a Board meetings during a fiscal year meeting~~, \$15 per Board meeting;
 17. Copies of records, documents, letters, minutes, applications, and files, \$1 for the first three pages and 25¢ for each additional page;
 18. ~~Sale of computerized tapes or diskettes not requiring programming, \$100~~ Data disk containing public information about licensed physicians, \$100; and
 19. A wallet card: ~~is provided free of charge~~
 - a. ~~at time of licensure~~ When an initial or renewal license is issued, free of charge, and
 - b. ~~additional wallet cards~~ In addition to the wallet card provided in subsection (19)(a), \$10.

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 8. DEPARTMENT OF ECONOMIC SECURITY
AGING AND ADULT ADMINISTRATION

[R08-212]

PREAMBLE

- | <u>1. Section Affected</u> | <u>Rulemaking Action</u> |
|----------------------------|--------------------------|
| R6-8-201 | Amend |
| R6-8-204 | Amend |
| R6-8-205 | Amend |
| R6-8-206 | Amend |
| R6-8-210 | Amend |
2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statutes: A.R.S. §§ 41-1954(A)(3), 41-1003, and 46-134(A)(12)
Implementing Statutes: A.R.S. §§ 41-1954(A)(1)(b), 46-182, and 46-191 to 46-193
3. A list of all previous notices appearing in the register addressing the proposed rule:
Notice of Rulemaking Docket Opening: 13 A.A.R. 2595, July 20, 2007
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
- | | |
|------------|---|
| Name: | Beth Broeker |
| Address: | Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005 |
| or | |
| | Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007 |
| Telephone: | (602) 542-6555 |
| Fax: | (602) 542-6000 |
5. An explanation of the rules, including the agency's reasons for initiating the rules:

Notices of Proposed Rulemaking

The Arizona Department of Economic Security administers the state Adult Protective Services program under the Arizona Revised Statutes Title 46, Chapter 4.

Since the last rule revision the Adult Protective Services program has undergone changes due to legislation and changes in policy and procedures. To reflect those changes, the department proposes the following:

- Take out subsection R6-8-201(13)(n), APS worker narrative, from the definition of “Personally identifiable information.”
- Clarify subsection R6-8-204(A) and add subsection R6-8-204(B) to specify that APS worker shall investigate reports that occurred on an Indian Reservation, upon written invitation by the Tribal Council.
- Add subsection R6-8-204(D), to provide that the Department shall direct the referrals concerning individuals who are in the Arizona state hospital or a correctional facility to the Arizona Department of Health Services or the Department of Corrections.
- Delete subsection R6-8-205(3), to reflect the recent appropriations to the APS program in order to investigate 100% of reports.
- Change subsection R6-8-206(3) to more accurately reflect the appropriate response time to cases, depending on the priority levels.
- Delete subsection R6-8-206(B).
- Amend subsection R6-8-210(B) to change the location where requester sends a request to obtain personally identifiable information.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The rulemaking itself will have no cost effect on employers, claimants, or the Department. The proposed rulemaking will not adversely affect any legitimate business. The rulemaking will have no impact on state revenues.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Beth Broeker

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

or

Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after this notice is published. The Department will accept written public comments on the proposed rules for 30 days after the date of this publication.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their locations in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 8. DEPARTMENT OF ECONOMIC SECURITY
AGING AND ADULT ADMINISTRATION**

ARTICLE 2. ADULT PROTECTIVE SERVICES

Section

R6-8-201.	Definitions
R6-8-204.	Jurisdiction
R6-8-205.	Classification
R6-8-206.	Investigation
R6-8-210.	Confidentiality

ARTICLE 2. ADULT PROTECTIVE SERVICES

R6-8-201. Definitions

No change

1. No change
2. No change
3. No change
4. No change
 - a. No change
 - b. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
 - a. No change
 - b. No change
 - c. No change
13. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - ~~n. APS worker narrative; or~~
 - ~~o. n.~~ No change
 - p. Medical information, history, and diagnosis; or
 - q. Any other information that would reasonably lead to the identification of an individual.
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. ~~“Work Business day”~~ means § 8:00 a.m. to § 5:00 p.m., Monday through Friday, excluding Arizona state holidays.

Notices of Proposed Rulemaking

R6-8-204. Jurisdiction

- A. An APS worker shall not investigate reports of events ~~which~~ that occurred in another state; or foreign country; ~~or Indian reservation.~~
- ~~B.~~ An APS worker shall investigate reports that occurred on an Indian Reservation, upon written invitation by the Tribal Council.
- ~~B.C.~~ No change
- D. The Department shall direct the referrals concerning individuals who are in the Arizona state hospital or a correctional facility to the Arizona Department of Health Services or the Department of Corrections.

R6-8-205. Classification

At intake an APS worker shall classify the incoming communication into ~~1~~ one of the following ~~3~~ two categories:

1. Information and referral; ~~or~~
2. Reports accepted for evaluation and investigation; ~~or,~~
3. ~~Reports accepted for evaluation, but not investigation.~~

R6-8-206. Investigation

~~A.~~ Reports Accepted for Evaluation and Investigation:

1. No change
 - a. No change
 - b. No change
 - c. No change
2. No change
3. An APS worker shall visit ~~a person~~ an individual who may be in need of adult protective services within ~~2 work days after receipt of a report.~~ the following established time-frames:
 - a. Priority 1. The APS worker shall initiate an assessment within one business day following a report of a qualifying problem with an imminent and substantial risk of life-threatening harm when the adult lacks necessary resources to alleviate the problem.
 - b. Priority 2. The APS worker shall initiate an assessment within two business days following a report of a qualifying problem with moderate aggravating circumstances.
 - c. Priority 3. The APS worker shall initiate assessment within five business days following a report of a qualifying problem with mitigating or no aggravating circumstances.
4. The APS worker shall investigate, determine and document in the record whether:
 - a. The allegations are ~~substantiated,~~ proposed for substantiation.
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - p. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change

Notices of Proposed Rulemaking

v. No change

B. ~~Reports Accepted for Evaluation but not investigation. APS may classify a report as not accepted for investigation because of:~~

- ~~1. Insufficient information;~~
- ~~2. Sufficient involvement of other resources;~~
- ~~3. The situation is known to APS and the report does not provide additional information; or~~
- ~~4. The client's need is for placement into a care facility only.~~

R6-8-210. Confidentiality

A. No change

B. The requester shall send a written request to the Custodian of Records at the Department of Economic Security, Division of Aging and Adult Services, Adult Protective Services Central Office and APS program manager for the office where the requester believes the records are located; the request shall include the following information:

1. No change
2. No change
3. No change
4. No change
5. No change
 - a. No change
 - b. No change
 - c. No change

C. No change

D. No change

E. The Department shall respond to the requester within 15 ~~work~~ business days.

F. No change

1. No change
2. No change
3. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION
HIGHWAYS**

[R08-208]

PREAMBLE

1. Sections Affected

Article 7
R17-3-701
R17-3-701
Exhibit 1
Exhibit 2
Exhibit 3
Exhibit 4
Exhibit 5
Exhibit 6
Exhibit 7
Exhibit 8
Exhibit 9
R17-3-701.01
R17-3-702
R17-3-702.01
R17-3-702.02
R17-3-702.03
R17-3-702.04
R17-3-702.05

Rulemaking Action

Amend
Repeal
New Section
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
New Section
New Section
New Section
New Section
New Section
New Section

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R17-3-702.06	New Section
R17-3-702.07	New Section
R17-3-702.08	New Section
R17-3-702.09	New Section
R17-3-702.10	New Section
R17-3-702.11	New Section
R17-3-702.12	New Section
R17-3-702.13	New Section
R17-3-702.14	New Section
R17-3-702.15	New Section
R17-3-702.16	New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 28-366 and 28-7908

Implementing statute: A.R.S. §§ 28-7901 through 28-7915

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 14 A.A.R. 848, March 21, 2008

Notice of Rulemaking Docket Opening: 14 A.A.R. 2718, June 27, 2008

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Janette M. Quiroz, Administrative Rules Analyst

Address: Department of Transportation
206 S. 17th Ave., Mail Drop 176A
Phoenix, AZ 85007

Telephone: (602) 712-6185

Fax: (602) 712-3097

E-mail: jmquiroz@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/mvd/MVDRules/rules.asp.

5. An explanation of the rule, including the agency's reasons for initiating the rule:

In order to promote highway beautification, Congress passed legislation to encourage the states to control and regulate outdoor advertising along highways under 23 U.S.C. 131. Congress also imposed a penalty of a 10 percent reduction in a state's federal highway construction funds if a state fails to provide effective control of outdoor advertising.

Arizona's implementing legislation on outdoor advertising control, A.R.S. §§ 28-7901 through 28-7915, mirrors many of the federal concepts. R17-3-701 and R17-3-701.01 implement and clarify the Arizona statutes. The Arizona Department of Transportation outdoor advertising rules were adopted in 1977. Other than one change in 1994, to create R17-3-701.01, the outdoor advertising rules have remained unchanged for 30 years.

This rulemaking is the first of future rulemakings to update and clarify the outdoor advertising rules. This rulemaking amends R17-3-701, by transferring existing language to new smaller, individual Sections, which will make future rulemakings more manageable. The Department continues to analyze specific amendments necessary to the Outdoor Advertising rules and time frames for completion.

There are no substantive changes to any of the language, with the exception of repealing the provision which allows for the re-erection or repair of a non-conforming sign in excess of 50 percent of the replacement cost of the sign, damaged or destroyed due to fire, wind, rain, explosions, flooding, and "other acts of God." This provision is being repealed as it is in direct conflict with what is allowed under federal regulation 23 CFR 750.707.

This rulemaking also repeals the Exhibits that the Agency has determined not to be clear, concise, or understandable, and which are unnecessary.

Additionally, amendments have been made to update any related citations and to ensure conformity to Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.

This rulemaking arises from a Five-Year Review Report approved by the Governor's Regulatory Review Council on November 2, 2004.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Notices of Proposed Rulemaking

The Agency does not propose to rely nor review any study relevant to this rulemaking.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There are no substantive changes to any of the language, with the exception of repealing the provision which allows for the re-erection or repair of a non-conforming sign in excess of 50 percent of the replacement cost of the sign, damaged or destroyed due to fire, wind, rain, explosions, flooding, and "other acts of God." This provision is being repealed as it is in direct conflict with what is allowed under federal laws and regulations.

The cost of not repealing the referenced provision and becoming compliant with federal laws and regulations may be substantial to both the Agency and the State. Failure to do so may result in a decrease in federal funding for statewide transportation projects by 10 percent of the annual total disbursed by the U.S. Department of Transportation's Federal Highway Administration.

The cost to both large and small businesses advertising a product or service on a sign classified as non-conforming, and those which construct and maintain outdoor advertising, may be substantial. However, the Department is not able to quantify the possible economic affect on the margin of profit or loss attributed to each advertiser as a result of this amendment.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

See item 4.

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rulemaking:

Date: September 16, 2008

Time: 1:00 p.m.

Location: 206 S. 17th Ave., Auditorium

Nature: Oral Proceeding

Close of record: Individuals interested in submitting a comment may do so in writing, by fax, or e-mail, to the Administrative Rules Analyst listed in item 4, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with the exception of legal state holidays. The record on this rulemaking will close at 5:00 p.m. on September 16, 2008.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION
HIGHWAYS**

ARTICLE 7. HIGHWAY ENCROACHMENTS AND PERMITS BEAUTIFICATION

Section

R17-3-701.	Outdoor advertising control <u>Definitions</u>
Exhibit 1.	Table of Regulations for Outdoor Advertising <u>Repealed</u>
Exhibit 2.	Outdoor Advertising Control Zone <u>Repealed</u>
Exhibit 3.	Maximum Area <u>Repealed</u>
Exhibit 4.	Business Area in a County with Comprehensive Zoning Regulations or Unzoned Commercial or Industrial Area <u>Repealed</u>
Exhibit 5.	Business Area at Rural Freeway Interchange <u>Repealed</u>
Exhibit 6.	Outdoor Advertising Prohibited Area at Rural Freeway Interchange <u>Repealed</u>
Exhibit 7.	Restricted <u>Repealed</u>

Notices of Proposed Rulemaking

- Exhibit 8. ~~A Point 800 Feet Beyond the Point of Widening at the Exit From or the Entrance to the Main-Traveled Way to a Freeway Repealed~~
- Exhibit 9. ~~List of District Offices Repealed~~
- R17-3-701.01. ~~Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits Repealed~~
- R17-3-702. ~~Repealed Outdoor Advertising~~
- R17-3-702.01. Permit Application and Fee
- R17-3-702.02. Permit Requirements
- R17-3-702.03. Restrictions on Right-of-Way Use
- R17-3-702.04. Legal Nonconforming Sign
- R17-3-702.05. On-premise Signs
- R17-3-702.06. Municipal Limits
- R17-3-702.07. Proposed Freeway Alignment
- R17-3-702.08. Double-Faced, Back-to-Back, and V-Type Signs
- R17-3-702.09. Requests for Hearings and Appeals
- R17-3-702.10. Directional and Other Official Signs Scope and Application
- R17-3-702.11. Standards for Directional Signs
- R17-3-702.12. Directional Signs Application Process
- R17-3-702.13. Rural Activity Sign
- R17-3-702.14. Public Service Sign
- R17-3-702.15. Multifaced Community Signs
- R17-3-702.16. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits

ARTICLE 7. HIGHWAY ENCROACHMENTS AND PERMITS BEAUTIFICATION

R17-3-701. Outdoor advertising control Definitions

- A. Purpose.** The purpose of this subsection is to present the definitions of specialized terms used in describing outdoor advertising signs and matters relating thereto and to present a portion of the Arizona Revised Statutes dealing specifically with the regulation of certain advertising displays.
- 1. Definition of terms.** Terms used in this rule are defined as follows:
- a. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish.
 - b. "Re-erection" means the placing of any sign in a vertical position subsequent to its initial erection. Re-erection shall only occur in the event the sign has been damaged by tortious acts, acts of God such as wind, rain, flooding, or in the course of normal maintenance.
 - c. "Lease" means an agreement, oral or in writing by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.
 - d. "Illegal sign" means one which was erected and/or maintained in violation of the state law.
 - e. "On-premise sign" means any sign that meets the following requirements (such signs are not controlled by state statutes):
 - i. Premises. The sign must be located on the same premises as the activity or property advertised.
 - ii. Purpose. The sign must have as its purpose:
 - (1) The identification of the activity, or its products or services, or
 - (2) The sale or lease of the property on which the sign is located, rather than the purpose of general advertising.
 - iii. In the case of an on-premise sign advertising an activity, the premises will include all actual land used or occupied for such activity, including its buildings, parking, storage and service areas, streets, driveways and established front, rear, and side yards constituting an integral part of such activity, provided the sign is located on property under the same ownership or lease as the activity. Uses of land which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes will not be considered as premises. Generally these will be inexpensive facilities, such as picnic, playgrounds, walking paths, or fences.
 - f. "Off-premise sign" means an outdoor advertising sign which advertises an activity, service or product and which is located on premises other than the premises at which such activity or service occurs or product is sold or manufactured.
 - g. "Nonconforming sign" means one which was lawfully erected but which does not comply with the provisions of state law or state laws passed at a later date or which later fails to comply with state law or state regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.

- h. "Maintain" means to allow to exist, including such activities necessary to keep the sign in good repair, safe condition, and change of copy.
 - i. "Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.
 - j. "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
 - k. "Federal or state law" means a federal or state constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.
 - l. "Scenic overlook or rest area" -- an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control for the convenience of the traveling public.
 - m. "Abandoned sign" means a sign for which neither the sign owner nor the landowner claim any responsibility.
 - n. "Double faced sign" means a sign which has two faces facing in the same direction.
 - o. "Back to back sign" means a sign which carries faces attached on each side of the structure, being read from opposite directions.
 - p. "V-type signs" -- signs which are oriented at an angle to each other, the nearest points of which are not more than ten feet apart.
 - q. "Face" means the surface of an outdoor advertising structure on which the design is posted or painted, usually made of galvanized metal sheets, fiberboard, plywood or plastic.
 - r. "Landmark sign" means a sign of historic or artistic significance which existed on October 22, 1965 which may be preserved or maintained as determined by the Director and approved by the Secretary of Transportation.
 - s. "Normal maintenance (nonconforming sign)," is that customary to keep a sign in ordinary repair, upkeep or refurbishing. Such maintenance will not exceed 50% of the appraised value of the sign. Repairs will be allowed for fires, winds, explosions, or other acts of God. Current appraisal schedules will be used in making value determinations. Normal maintenance also includes re-erection at the same location or within a reasonable distance of the original location, not to exceed ten feet.
 - t. "Intended to be read from the main traveled way" is defined by any of the following criteria:
 - i. More than 80% of the average daily traffic (as determined by ADOT traffic counts) viewing the outdoor advertising is traveling in either or both directions along the main traveled way.
 - ii. Message content is of such a nature that it would be only of interest for the traffic using the main traveled way.
 - iii. The sales value of the outdoor advertising is directly attributable to advertising circulation generated by traffic along the main traveled way.
 - u. "Within the view of and directed at the main traveled way" means any sign which is readable from the main traveled way for more than five seconds traveling at the posted speed limit or for such a time as the whole message can be read whichever is less.
 - v. "Interchange" means a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams.
2. State statute regarding outdoor advertising. The following portion from Title 28 of the Arizona Revised Statutes is the authority for and is relevant to the content and intent of this rule. This portion of the A.R.S. is from Title 28, amended effective August 22, 1975. Exhibits 1 through 8 portray the essence of requirements promulgated by these statutes:

~~CHAPTER 16 BEAUTIFICATION OF HIGHWAYS~~

~~ARTICLE 1. REGULATION OF CERTAIN ADVERTISING DISPLAYS~~

~~"28-2101. Definitions~~

~~In this Article, unless the context otherwise requires:~~

- 1. "Business area" means an area outside municipal limits embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied for such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity and which is zoned, under authority of law, primarily to permit industrial or commercial activity. However, when one or more commercial or industrial activities are located within one thousand feet of a freeway interchange, the business area shall extend three thousand feet measured in each direction parallel to the freeway from the center line of the crossroad, but shall not extend beyond the limits of the established commercial or industrial zone.
- 2. "Freeway" means a divided arterial highway on the interstate or primary system with full control of access and with grade separations at intersections.

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3. "Information center" means a site established and maintained at a safety rest area for the purpose of informing the public of places of interest within the state and providing other information the transportation board considers desirable.
4. "Interstate system" means that portion of the national system of interstate and defense highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
5. "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders, on which through traffic is carried. In the case of divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads or parking areas.
6. "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform, the message of which is visible from any place on the main traveled way of the interstate, secondary or primary systems.
7. "Primary system" means that portion of connected main highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
8. "Safety rest area" means a site established and maintained by or under public supervision or control for the convenience of the traveling public within or adjacent to the right of way of the interstate or primary systems.
9. "Secondary system" means that portion of connected highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
10. "Unzoned commercial or industrial area" means an area not zoned under authority of law in which land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied by such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity. As used in this paragraph, "commercial or industrial activities" does not include:
 - (a) Outdoor advertising structures.
 - (b) Agricultural, forestry, grazing, farming and related activities.
 - (c) Transient or temporary activities including but not limited to wayside fresh produce stands.
 - (d) Activities not visible from the main traveled way.
 - (e) Activities conducted in a building principally used as a residence.
 - (f) Railroad tracks and minor sidings, and above ground or underground utility lines.

"28-2102. Outdoor advertising authorized

- A. The following outdoor advertising may be placed or maintained along interstate, secondary and primary systems within six hundred sixty feet of the edge of the right-of-way:
 1. Directional or other official signs or notices that are required or authorized by law, including but not limited to, signs pertaining to natural wonders, scenic and historic attractions.
 2. Signs, displays and devices advertising activities conducted on the property upon which they are located.
 3. Signs, displays and devices advertising the sale or lease of property upon which they are located.
 4. Signs, displays and devices lawfully placed after April 1, 1970, in business areas.
 5. Signs, displays and devices lawfully placed after the effective date of this Article in zoned or unzoned commercial or industrial areas inside municipal limits, or after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
 6. Signs, displays and devices lawfully existing on April 1, 1970, which are located in business areas, and in zoned commercial or industrial areas outside of municipal limits.
 7. Signs, displays and devices lawfully existing on the effective date of this Article which are located in zoned or unzoned commercial or industrial areas inside municipal limits, or on April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
- B. Outdoor advertising authorized under subsection A, paragraphs 1, 4, and 5 of this Section shall conform with standards contained, and shall bear permits required, in regulations promulgated by the director under the provisions of this Article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.

- C. Outdoor advertising authorized under paragraphs 6 and 7, subsection A of this Section need not conform to standards contained, but shall bear permits required, in regulations promulgated by the director under the provisions of this Article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
- D. Signs lawfully in existence on October 22, 1965 which are determined by the director, subject to the approval of the secretary of transportation as provided for by § 131(c) of Title 23 of the United States Code, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this Article, may be preserved or maintained.

~~“28-2103. Outdoor advertising prohibited~~

- A. No outdoor advertising shall be placed or maintained adjacent to the interstate, secondary or primary systems at the following locations or positions or under any of the following conditions or if it is of the following nature:
 - 1. If within view of, directed at, and intended to be read from the main traveled way of the interstate, primary or secondary systems, excepting outdoor advertising authorized under § 28-2102.
 - 2. If visible from the main traveled way and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this Article, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words “STOP” or “SLOW DOWN.”
 - 3. If within any stream or drainage channel or below the flood water level of any stream or drainage channel where the outdoor advertising might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
 - 4. If visible from the main traveled way and displaying any red, flashing, blinking, intermittent or moving light or lights likely to be mistaken for a warning or danger signal, excepting that part necessary to give public service information such as time, date, weather, temperature or similar information.
 - 5. If any illumination thereon is of such brilliance and so positioned as to blind or dazzle the vision of travelers on the main traveled way.
 - 6. If existing under a permit as required by this Article and not maintained in a safe condition.
 - 7. If obviously abandoned.
 - 8. If placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging or intersecting traffic.
 - 9. If placed upon trees, or painted or drawn upon rocks or other natural features, excepting signs permitted under § 28-2102, subsection A, paragraph 2.
- B. At interchanges on freeways or interstate highways outside of municipal limits, no outdoor advertising signs, displays or device shall be erected in the area between the crossroad and a point five hundred feet beyond the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

~~“28-2104. Standards for outdoor advertising; directional and other official signs; business areas and unzoned commercial or industrial areas outside municipal limits; zoned or unzoned commercial or industrial areas within municipal limits~~

- A. Direction and other official signs authorized under § 28-2102, subsection (A), paragraph (1), shall comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this Article, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the secretary of transportation of the United States pursuant to subdivision (c) of § 131 of Title 23 of the United States Code.
- B. After April 1, 1970, outdoor advertising placed in business areas and after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits shall comply with the provisions of this Article and the following standards:
 - 1. Size of outdoor advertising shall not exceed one thousand two hundred square feet in area with a maximum vertical facing dimension of twenty five feet and a maximum horizontal facing dimension of sixty feet, including border and trim, and excluding base or apron supports and other structural members. Such size limitations shall apply to each facing of outdoor advertising. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding three hundred fifty square feet each may be placed in a facing. Back to back or V type signs may be placed, with the maximum area allowed for each facing.
 - 2. Spacing of outdoor advertising shall be such that it is not placed:
 - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
 - (b) Within five hundred feet of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way at a scenic overlook or safety roadside rest area on any portion of a freeway.
 - (c) Within three hundred feet from other outdoor advertising on the same side of any portion of the primary

- system which is not a freeway.
3. Minimum spacing distances from other outdoor advertising shall not apply to outdoor advertising which is separated by a building or other obstruction in such a manner that only one display located within the minimum distances set forth herein is visible from the highway at any one time. Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the outdoor advertising.
 4. Outdoor Advertising authorized under § 28-2102, subsection (A), paragraphs (2) and (3) shall not be counted and measured from in determining compliance with the spacing requirements of this subsection.
- C. After the effective date of this Article, outdoor advertising placed in zoned or unzoned commercial or industrial areas within municipal limits shall comply with the following standards:
1. The size of outdoor advertising shall not exceed that set forth in subsection (B), paragraph (1) of this Section.
 2. Spacing of outdoor advertising shall be such that it is not placed:
 - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
 - (b) Within one hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.
 3. It shall have the same standard as subsection (B), paragraph (3) of this Section.
 4. It shall have the same standard as subsection (B), paragraph (4) of this Section.

~~“28-2105. Authority to acquire outdoor advertising and property rights; compensation; removal~~

- A. The director shall acquire by gift, agreement, purchase, exchange, eminent domain or other lawful means, all right, title, leasehold, and interest in any outdoor advertising together with the right of the owner of the real property on which such outdoor advertising is located to erect and maintain such outdoor advertising thereon, when the outdoor advertising is prohibited by this Article. Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- B. If compensation is required by federal law, and if federal participation in such compensation is required by federal law, nonconforming outdoor advertising shall not be required to be removed until federal funds for the federal share of compensation therefor as required by such federal law have been made available to the Department.
- C. When outdoor advertising is placed after the effective date of this Article, contrary to provisions of this Article or the regulations promulgated by the director, or when a permit is not obtained as prescribed in this Article, the outdoor advertising shall be deemed unlawful. The director shall give notice by certified mail of his intention to remove advertising deemed unlawful to both the owner or the occupant of the land on which such outdoor advertising is located and the owner of the outdoor advertising, if the latter is known, or if unknown, by posting notice in a conspicuous place on such outdoor advertising. Within seven days after such notice is mailed or posted the owner of the land or the outdoor advertising may make a written request to the director for a hearing to show cause why the outdoor advertising should not be removed. The director shall designate a hearing officer, who shall be an administrative employee of the department, to conduct and preside at such hearings. When a hearing is requested under this provision, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days' notice of the time of such hearing. All hearings shall be conducted at department administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing. If the decision is adverse to the party, the party may within ten days after the decision is rendered, petition the superior court of the county wherein the outdoor advertising is located to determine whether the decision of the hearing officer was lawful and reasonable. If the decision of the court upholds that of the director, all costs from the time of the administrative hearing, including court costs, shall be borne by the owner of the land or the outdoor advertising or both. If a hearing before the director is not requested, or if there is no appeal taken from the director's decision of such hearing, or if the director's decision is affirmed on appeal, the director shall immediately remove the offending outdoor advertising. The owner of the outdoor advertising or the owner or occupant of the land or the owner of the outdoor advertising and the owner or occupant of the land shall be liable for the costs of such removal. The director shall incur no liability for such removal.

~~“28-2106. Agreement with secretary of transportation; outdoor advertising regulations; permits~~

The director shall:

1. Enter into the agreement with the secretary of transportation provided for by § 131(d) of Title 23 of the United States Code setting forth the standards governing the size, lighting, and spacing of outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (4) and (5), and defining an unzoned commercial or industrial area. If the standards and definitions contained in the agreement do not agree substantially with the provisions of this Article, the agreement shall not become effective until the legislature by statute amends this Article to conform with the terms of the agreement.

2. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising. Such regulations shall be consistent with the public policy of this state to protect the safety and welfare of the traveling public, the provisions of this Article, the terms of the agreement with the secretary of transportation, and the national standards, criteria, and rules and regulations promulgated by the secretary of transportation pursuant to § 131 of Title 23, United States Code.
3. Define by rules or regulations, unzoned commercial or industrial areas along with the interstate and primary systems. The definitions shall be consistent with the definitions of these areas set forth in this Article and set forth in the agreement with the secretary of transportation.
4. Issue permits to place or maintain, or both, outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (1), (4), (5), (6) and (7), and establish and collect fees for the issuance of such permits. The fees shall be not more than the actual costs to the department. All fees collected under the provisions of this Article shall be paid to the state treasurer for credit to the state highway fund.

~~“28-2107. Control of advertising displays along interstate, secondary and primary highways by municipality or county~~

~~If an incorporated municipality or county desires to control outdoor advertising along interstate, secondary and primary highways, it may do so upon request to the director and certification by the director to the secretary of transportation that the municipality or county has enacted comprehensive zoning ordinances and by ordinance regulates the size, lighting, and spacing of outdoor advertising in zoned commercial and industrial areas along interstate, secondary and primary highways, providing that municipalities or counties may not assume control of outdoor advertising under the provisions of this Section if the ordinance provisions are less restrictive than the provisions of this Article.~~

~~“28-2108. Advertising displays in safety rest areas; information centers~~

~~In order to provide information in the specific interest of the traveling public, the director may authorize advertising displays at safety rest areas and at information centers.~~

~~“28-2109. Construction of Article~~

~~The provisions of this Article shall be cumulative and supplemental to other provisions of law and shall not be construed as affecting or enlarging any authority of counties, cities or towns pursuant to any other provisions of law which may exist to enact ordinances regulating the size, lighting, and spacing of outdoor advertising.~~

~~“28-2110. Violating penalty~~

~~A person who violates any provision of this Article or any regulation of the director made and promulgated under this Article is guilty of a misdemeanor.”~~

B. Authority and responsibility.

1. Purpose. The purpose of this subsection is to describe the authority and responsibilities the Arizona Department of Transportation exercises in developing rules and regulations relative to outdoor advertising facilities.
2. ADOT responsibilities regarding advertising control. The Arizona Department of Transportation is directed to:
 - a. Enter into an agreement with the U.S. Secretary of Transportation provided for by § 131(d) of Title 23, United States Code, setting forth standards governing outdoor advertising authorized;
 - b. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising;
 - c. Define by rules or regulations, unzoned commercial or industrial areas along the interstate and primary systems;
 - d. Issue permits to place or maintain, or both, outdoor advertising authorized under the act and establish and collect fees for the issuance of such permits.
3. Rules, regulations, and authority. The regulation of outdoor advertising along Arizona Highways by the Arizona Department of Transportation was established by A.R.S. §§ 28-2101 through 28-2110 by the twenty-ninth legislature in second regular session and subsequent amendments. This legislation was approved by the governor and filed in the Office of the Secretary of State on May 18, 1970. The rules and regulations prescribed herein describe the administrative procedure adopted by the Arizona Department of Transportation to aid and guide the effective control of outdoor advertising. These rules and regulations are in addition to and do not purport to change or alter the federal act, the state act, or the federal state agreement.
4. Permit application procedure. Maintenance Permit Services, Highways Division, Arizona Department of Transportation, is responsible for administering a permit procedure.

C. Outdoor advertising permit application procedure.

1. Purpose. The purpose of this subsection is to present the procedures to be followed by applicants in requesting permits for the erection of outdoor advertising facilities.
2. ADOT permit form and fee required. Each application for a permit to erect an outdoor advertising facility must be made on the appropriate Arizona Department of Transportation form and shall be accompanied by a check or money order in the amount of \$20.00 payable to the Arizona Department of Transportation.
 - a. The initial application fee shall be valid for a period of one year from date of issuance. It shall be renewable annually upon payment of a \$5.00 fee.

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- b. ~~Renewal fees will become delinquent 30 days after the annual renewal date. On becoming delinquent, such sign structures will be in violation and a new initial application fee of \$20.00 will be required.~~
- 3. ~~Applications mailed to maintenance permit engineer. Applications for outdoor advertising permits should be mailed to:~~
~~Arizona Department of Transportation~~
~~Highway Division~~
~~206 South 17th Avenue~~
~~Phoenix, Arizona 85007,~~
~~Attention: Maintenance Permit Engineer, Maintenance Section-~~
 - a. ~~Assistance to applicants is available at District offices. (See list of district office addresses in Exhibit 9).~~
- 4. ~~Separate application for each sign. Each outdoor advertising sign, display or device requires a separate application with fee. All required information describing the location of the sign, the sign qualification standards, and the permitted area identification shall be completely entered on the permit form.~~
- 5. ~~Legal description of sign site required. Applicants shall be required to obtain a certification from the governing zoning authority certifying that the zoning is correct for the legal description of the proposed sign location. In cases where the legal description is listed incorrectly on the application, a new certification must be obtained for the correct legal description. Legal descriptions shall adequately describe the property for which the application is made.~~
- 6. ~~Location diagram required. Applicants shall submit a location diagram indicating highway route number and such physical features as: buildings, bridges, culverts, poles, mileposts and other stationary land marks necessary to adequately describe the location. The sketch will also indicate the distance in feet the sign is to be erected from the nearest milepost or a street intersection and other off premise signs in the same vicinity.~~
- 7. ~~Applicants must mark site locations. Applicants are required to place an identifiable device or object bearing applicant's name at the proposed sign location to aid field inspectors in site evaluations.~~
- 8. ~~Landowner's permission mandatory. Applicants shall be required to obtain a signed certification stating that the applicant has the permission of the landowner to erect the sign at the noted legal description, or in lieu thereof, furnish a copy of an executed lease.~~
- 9. ~~Each pending application field checked. Each pending application will be field checked for compliance with the state act and ADOT regulations by the district. The findings of the field check will be forwarded to the Maintenance Permit Engineer, Maintenance Section, for final examination and if approved, permit issuance.~~
- 10. ~~Noncompliance. Each application for a permit to erect an outdoor advertising facility which does not comply with all requirements of the law and the Arizona Department of Transportation regulations, will be denied and the application fee may be retained by the state. Exception will be made in cases where applicants did not have knowledge of previous applications or permits for the same site.~~
 - a. ~~An additional \$20.00 fee shall be added to the regular permit fee for signs illegally erected prior to the issuance of a permit.~~
- 11. ~~Permit decals on sign structures. Applicants shall affix permit decals on a permanent surface near the portion of the sign structure closest to the main traveled way and clearly visible from said roadway. Permit decals to replace any which have been issued and were improperly affixed, lost or destroyed, whether before or after attaching to the sign structure, may be purchased at a cost of \$5.00.~~
 - a. ~~Signs bearing permit decals for signs other than the sign for which they were issued shall be in violation.~~
- 12. ~~Forfeiture of permit fee. Outdoor advertising facilities for which permits have been issued shall be erected within 120 days and shall bear the official permit identification issued for the specific facility. If the applicant mails a written request for extension of time prior to expiration of the 120 days, an additional 60-day extension may be granted. Any permit canceled because no sign was erected within the prescribed time will result in forfeiture of the \$20.00 fee.~~
- 13. ~~Denial of permit renewals. An existing permit will not be renewed for an approved location on which no sign structure exists.~~
- 14. ~~Removal and re-erection time limits. If an outdoor advertising sign is removed from a permitted location for any reason, the permit shall expire within 30 days from date of removal, except that the permittee may notify the Arizona Department of Transportation, Highways Division, Maintenance Permit Engineer, of intent to re-erect which will allow 120 days for re-erection. Failure to re-erect which will allow 120 days for re-erection. Failure to re-erect within the 120 days allowed will cancel the existing permit.~~
- 15. ~~Transfer of permits. Permits are transferable upon sale of sign provided a new order furnishes the Arizona Department of Transportation with notification of sale within 30 days after date of sale.~~
- 16. ~~Calendar days. All references to days made in this permit application procedure, as well as those references in all rules and regulations applying to outdoor advertising control, shall mean calendar days.~~
- D. Administrative rules.**
 - 1. ~~Purpose. The purpose of this subsection is to present administrative rules developed by the Arizona Department of Transportation for control of outdoor advertising.~~
 - 2. ~~Restrictions on rights-of-way use. No sign shall be erected or maintained from or by use of interstate highway rights-~~

of-way. Any observed action of this type will result in cancellation of the permit. Signs may be erected and maintained from primary and secondary highways only if no other access is available and an encroachment permit is issued.

3. ~~Noneconforming signs shall be in violation if:~~
 - a. ~~A sign is enlarged (increased in any dimensions of the sign face or structural support);~~
 - b. ~~A sign is replaced (an existing sign is removed and replaced with a completely different sign);~~
 - c. ~~A sign is rebuilt to a different configuration or material composition beyond normal maintenance, or~~
 - d. ~~A sign is relocated (moved to a new position or location without being lawfully permitted);~~
 - e. ~~A sign which was previously non-illuminated has lighting added.~~
4. ~~Commercial or industrial activities. Commercial or industrial activities which define a "business area," "unzoned commercial or industrial area" must be in operation at the time the permit application is made.~~
 - a. ~~Should any commercial or industrial activity, which has been used in defining or delineating a "business area," or an "unzoned commercial or industrial area," cease to operate for a period of six continuous months, any signs qualified by such activity shall become noneconforming.~~
5. ~~On-premise. Should any activity which has been used in defining an "on-premise" sign cease to operate for a period of six continuous months any signs qualified by such activity shall be considered as off-premise and will require appropriate permits. If the signs are then not permissible they will be in violation.~~
6. ~~Municipal limit between signs. When a municipal limit falls between signs the spacing requirement shall be 300 feet between signs on primary or secondary highways.~~
7. ~~Proposed interstate alignment locations. Signs existing or to be erected on primary or secondary highway systems which have been declared by the Director of Transportation as an interstate freeway alignment prior to construction of such interstate or freeway shall be classified as though the Interstate or Freeway already exists, requiring spacing criteria for Interstate or other freeways.~~
8. ~~Double faced, back to back, and V type signs. Double faced, back to back and V type sign structure permits will be limited to a single sign ownership for each site. No more than two faces will be allowed facing each direction of travel. Double faced signs shall not exceed 350 square feet per face. "V type signs will be limited to a 10' spacing between faces at the apex. V type sign spacing from other signs shall be measured from the middle of the apex."~~
9. ~~Multifaced community signs. Local chambers of commerce may obtain permits to erect signs with more than two faces. These signs shall not exceed 1,200 square feet in area with a maximum overall vertical facing of 25 feet and a maximum overall horizontal facing of 60 feet, including border and trim, and excluding base or apron supports and other structural members. All other laws, rules and regulations will apply to multifaced community signs as to other off-premise signs.~~
10. ~~New sign making existing sign noneconforming. If a new sign which would otherwise be conforming will make an existing sign noneconforming, the new sign shall not be allowed.~~
11. ~~Hearing requests. The land owner or sign owner may request a hearing in connection with a permit application denied or other action taken by the Arizona Department of Transportation in connection with the rules herein prescribed. Within seven days after notice of such action is mailed or posted the land owner or sign owner may make written request for a hearing on such actions. The Director of Transportation shall designate a hearing officer, who shall be an administrative employee of the Department of Transportation, to conduct and preside at such hearings. When a hearing is requested, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days notice of the time of such hearing. All hearings shall be conducted at Department of Transportation administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing.~~
12. ~~Landmark signs. The Director will submit a one time declaration listing all landmark signs to the Secretary of Transportation. The preservation of these signs would be consistent with the purposes of state highway beautification laws.~~
13. ~~Blanked out or discontinued noneconforming signs. When an existing noneconforming sign ceases to display advertising matter for a period of one year the use of the structure as a noneconforming outdoor advertising sign is terminated.~~
14. ~~Vandalized signs. Legal noneconforming signs may be rebuilt to their original configuration and size when they are destroyed due to vandalism and other criminal or tortious acts.~~

E. Standards for directional and other official signs.

1. ~~Purpose. The purpose of this subsection is to present standards applicable to directional and other official signs.~~
2. ~~Scope and application. The standards presented in this Chapter apply to directional and other official signs and notices which are erected and maintained with 660 feet of the nearest edge of the right of way of the interstate, federal-aid primary and secondary highway systems and which are visible from the main traveled way of the systems. These types of signs must conform to national standards, promulgated by the Secretary of Transportation under authority set forth in § 131(c) of Title 23, United States Code. These standards do not apply, however, to directional and other official signs erected on the highway right of way.~~
3. ~~Definitions. "Official signs and notices" means signs and notices, other than traffic regulatory, erected and main-~~

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tained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

- a. "Directional and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
 - b. "Public utility signs" means warning markers which are customarily erected and maintained by publicly or privately owned public utilities to protect their facilities.
 - c. "Service club and religious notices" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious service, which signs do not exceed eight square feet in area.
 - d. "Public service signs" means signs located on school bus stop shelters, which signs:
 - i. Identify the donor, sponsor, or contribution of said shelters;
 - ii. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the sign;
 - iii. Contain no other message;
 - iv. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
 - v. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
 - e. "Directional" means signs containing directional information about public places owned or operated by federal, state, or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, religious, and rural activity sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
 - f. "Obsolete sign" means a directional or other official sign the purpose of which is no longer pertinent.
4. Standards for directional signs. The following apply only to directional signs:
- a. General. The following signs are prohibited:
 - i. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.
 - ii. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
 - iii. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - iv. Obsolete signs.
 - v. Signs which are structurally unsafe or in disrepair.
 - vi. Signs which move or have any animated or moving parts.
 - vii. Signs located in rest areas, parklands or scenic areas.
 - b. Size. No sign shall exceed the following limits, which include border and trim, but exclude supports:
 - i. Maximum area—150 square feet.
 - ii. Maximum height—20 feet.
 - iii. Maximum length—20 feet.
 - c. Lighting. Signs may be illuminated, subject to the following:
 - i. Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights are prohibited.
 - ii. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
 - iii. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
 - d. Spacing.
 - i. Each location of a directional sign must be approved by the Arizona Department of Transportation.
 - ii. No directional sign may be located within 2,000 feet of an interstate, or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).
 - iii. No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
 - (1) No two directional signs facing the same direction of travel shall be spaced less than one mile apart;
 - (2) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;

- (3) Directional signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and
- (4) Directional signs located adjacent to the Primary System shall be within 50 air miles of the activity.
- (5) No directional signs shall be located within 500 feet of an off-premise outdoor advertising sign on any state highway.
- e. Message content. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit number. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.
- f. Selection methods and criteria for privately owned activities or attractions to obtain directional sign approval:
 - i. Privately owned activities are attractions eligible for directional signing are limited to the following categories:
 - (1) Natural phenomena;
 - (2) Scenic attractions;
 - (3) Historic sites;
 - (4) Educational sites;
 - (5) Cultural sites;
 - (6) Scientific sites;
 - (7) Religious sites;
 - (8) Outdoor recreational area.
 - ii. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.
 - iii. The Director, Arizona Department of Transportation, will appoint a "Selection Board for Directional Signing Qualifications" consisting of three administrative or professional employees of the Department of Transportation, one of whom shall be designated as chairman, to judge and approve the qualifications for directional signing of privately owned activities or attractions as limited to the categories in subdivision (i) and the qualification in subdivision (ii) above.
 - iv. Applicants for directional signs involving privately owned activities or attractions, shall first qualify such activity or attraction by submitting an official qualification form to the attention of the maintenance permit engineer, highways division, Arizona Department of Transportation. The maintenance permit engineer will forward the application for qualification, along with any technical data which may assist the board in making their determination, to the selection board.
 - v. Applicant shall indicate one or more categories (as listed in subdivision (i) above) that is applicable to the activity or attraction for which qualification is sought. Applicants shall submit a statement and supporting evidence that the activity or attraction is nationally or regionally known and is of outstanding interest to the traveling public.
 - vi. The qualifications board will, upon approval or rejection of an application, give notification of their determination in writing, to the applicant and to the maintenance permit engineer.
 - vii. The maintenance permit engineer will not issue any permits for directional signs for any privately owned activity or attraction until receipt of qualification approval by the qualifications board. All directional sign permits issued for the Department of Transportation by the maintenance permit engineer will meet the standards for directional and other "official signs" as incorporated in the "Rules and Regulations for Outdoor Advertising along Arizona Highways" approved and issued by the Director, Arizona Department of Transportation.
- g. "Rural activity signs" are intended to give directions to rural activity sites located along rural roads connecting to state highways. The signs must be located in areas primarily rural in nature. Rural activities that may qualify include ranches, recreational areas and mines. Signs for private residences, subdivisions, and commercial activities are not permitted. Industrial activities that are located in primarily rural areas such as mines or material pits may be allowed. The signs shall not be located in "business areas," "unzoned commercial or industrial areas," nor within municipal limits. The selection board may make final determination of eligibility for such signs when necessary. Not more than one sign pertaining to a rural activity facing the same direction of travel may be erected along a single route approaching the rural connecting road. Signs will be limited to ten square feet in area. All other standards for directional signs shall apply.
- h. No application fee, is required for "official signs and notices," "public utility signs," "service club and religious notices," "public service signs" or "directional signs" erected by federal, state or local governments. Other directional signs require a permit application and \$20.00 fee.

In addition to the definitions under A.R.S. § 28-7901, the following terms and phrases apply to R17-3-701 through R17-3-702.16, unless otherwise indicated:

"Back-to-Back sign" means a sign which carries faces attached on each side of the structure, being read from oppo-

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site directions.

“Board” means the Selection Board for Directional Signing Qualifications.

“Department” means the Arizona Department of Transportation.

“Directional and other official signs and notices” means only:

Official signs and notices.

Public utility signs.

Service club and religious notices.

Public service signs, or

Directional signs.

“Directional sign” means a sign containing directional information about:

A public place owned or operated by federal, state, or local government or their agencies;

A publicly or privately owned natural phenomena, historic, cultural, scientific, educational, religious, rural activity site; or

An area of natural scenic beauty or naturally suited for outdoor recreation, deemed by the Board to be in the interest of the traveling public.

“Director” means the Director of the Arizona Department of Transportation.

“Double-Faced sign” means a sign which has two faces facing in the same direction.

“Erect” means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish.

“Face” means the surface of an outdoor advertising structure on which the design is posted or painted, usually made of galvanized metal sheets, fiberboard, plywood or plastic.

“Federal or state law” means a federal or state constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.

“Intended to be read from the main traveled way” means:

More than 80% of the average daily traffic, as determined by ADOT traffic counts, viewing the outdoor advertising is traveling in either or both directions along the main-traveled way;

Message content is of such a nature that it would be only of interest for the traffic using the main-traveled way; or

The sales value of the outdoor advertising is directly attributable to advertising circulation generated by traffic along the main-traveled way.

“Interchange” means a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams.

“Lease” means an agreement, oral or in writing, by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.

“Legal nonconforming sign” means a sign which was lawfully erected but which does not comply with the provisions of state law, or state laws passed at a later date, or which later fails to comply with the provisions of state law or state regulations due to changed conditions, beyond the control of the sign owner. Illegally erected or maintained signs are not nonconforming signs.

“Maintain” means to allow to exist, including such activities necessary to keep the sign in good repair, safe condition, and change of copy.

“Normal maintenance of legal nonconforming sign” means maintenance which is customary to keep a sign in ordinary repair, upkeep or refurbishing, that does not exceed 50% of the replacement cost of the sign, as determined by the Department, and authorized under 23 CFR 750.707(d).

“Obsolete sign” means a directional or other official sign, the purpose of which is no longer pertinent.

“Official signs and notices” means signs and notices, other than traffic regulatory, which are:

Erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction; and

In accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility; or

Historical markers authorized by state law and erected by state or local government agencies or nonprofit histor-

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ical societies, authorized by the Department.

“Off-premise sign” means an outdoor advertising sign which advertises an activity, service or product, and which is located on premises other than the premises at which such activity or service occurs or product is sold or manufactured.

“On-premise sign” means any sign located on the same premises as the activity or property advertised and has as its purpose:

The identification of the activity, or its products or services; or

The sale or lease of the property on which the sign is located, rather than the purpose of general advertising.

“Parkland” means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

“Permit” means an Outdoor Advertising permit, issued by the Department, to erect and maintain outdoor advertising.

“Public service sign” means a sign which is located:

On a school bus stop shelter that is authorized or approved by city, county, or state law, regulation, or ordinance;
and

At a place approved by the city, county, or state agency controlling the highway involved.

“Public utility sign” means a warning marker which is erected and maintained by a publicly or privately owned public utility to protect the facility.

“Re-erection” means the placing of a sign in a vertical position subsequent to its initial erection.

“Rural activity sign” means a sign which is intended to give directions to a rural activity site located along a rural road connecting to a state highway.

“Scenic area” means an area of particular natural scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of natural scenic beauty.

“Service club and religious notice” means a sign or notice, not exceeding eight square feet in area, whose erection is authorized by federal, state, or local law, relating to a meeting of a:

Nonprofit service club or charitable association, or

Religious service.

“Sign” has the same meaning as “outdoor advertising” provided under A.R.S. § 28-7901.

“Tortious act” means an act that subjects the actor to liability under the principles of tort law.

“V-Type signs” mean signs which are oriented at an angle to each other, the nearest points of which are not more than 10 feet apart, measured from the apex.

“Within the view of, and directed at, the main-traveled way” means a sign which is readable from the main-traveled way for more than five seconds traveling at the posted speed limit, or for such a time as the whole message can be read, whichever is less.

Exhibit 1. ~~Table of Regulations for Outdoor Advertising~~ Repealed

TABLE OF REGULATIONS FOR OUTDOOR ADVERTISING

SPECIFICATION	ZONED COUNTY	UNZONED COUNTY	MUNICIPALITY
Permitted Area	“Business Area”	“Unzoned Commercial or Industrial Area”	Zoned or “unzoned Commercial or Industrial Area”
Zoning Required	Commercial or Industrial	NA	Zoned—Yes Unzoned—NA
Dimension of Area	1,000 ft. each way	1,000 ft. each way	Wherever zoned and 1,000 ft. each way for Unzoned Commercial or Industrial

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Dimension of Area at Freeway T.I. activity within 1,000 ft. of T.I.	3,000 ft. each way from crossroad. Except for prohibition	NA	NA
Prohibited Traffic Interchange Area	From 500 ft. beyond point of widening to crossroad	From 500 ft. beyond point of widening to crossroad	NA
SPACING			
Freeway same side	500 ft. minimum	500 ft. minimum	500 ft. minimum
Primary and secondary not a freeway	300 ft. minimum	300 ft. minimum	100 ft. minimum
Exit & Entrance to a scenic overlook or safety rest area	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	NA
SIZE			
Area	1,200 Sq. ft.	Same	Same
Vertical Facing	25 ft. maximum	Same	Same
Horizontal Facing	60 ft. maximum	Same	Same
2 Displays One Face	350 sq. ft. each	Same	Same

Exhibit 2. ~~Authorized Outdoor Advertising Control Zone~~ Repealed

**AUTHORIZED OUTDOOR
ADVERTISING
CONTROL ZONE**

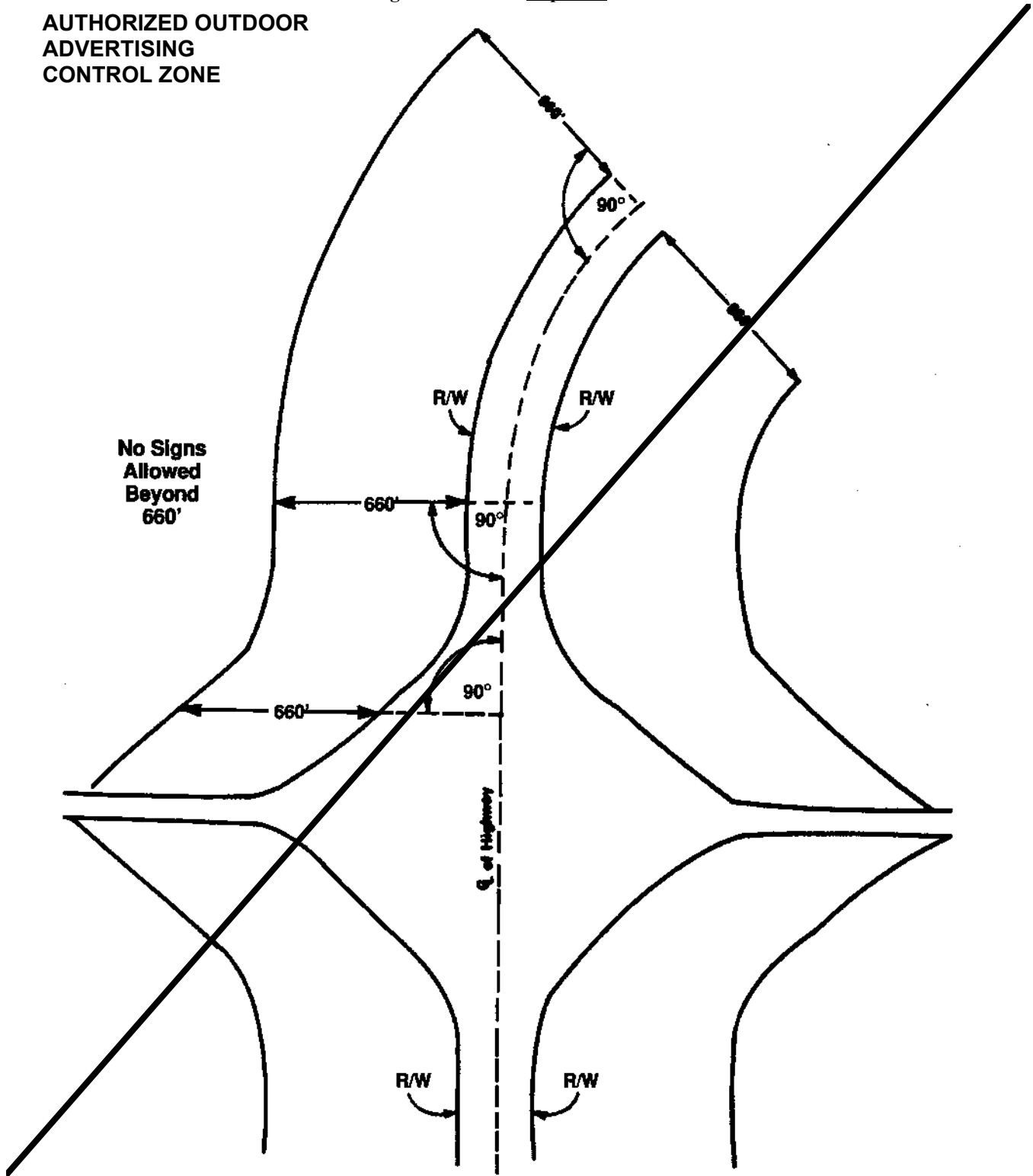


Exhibit 3. ~~Maximum Area~~ Repealed

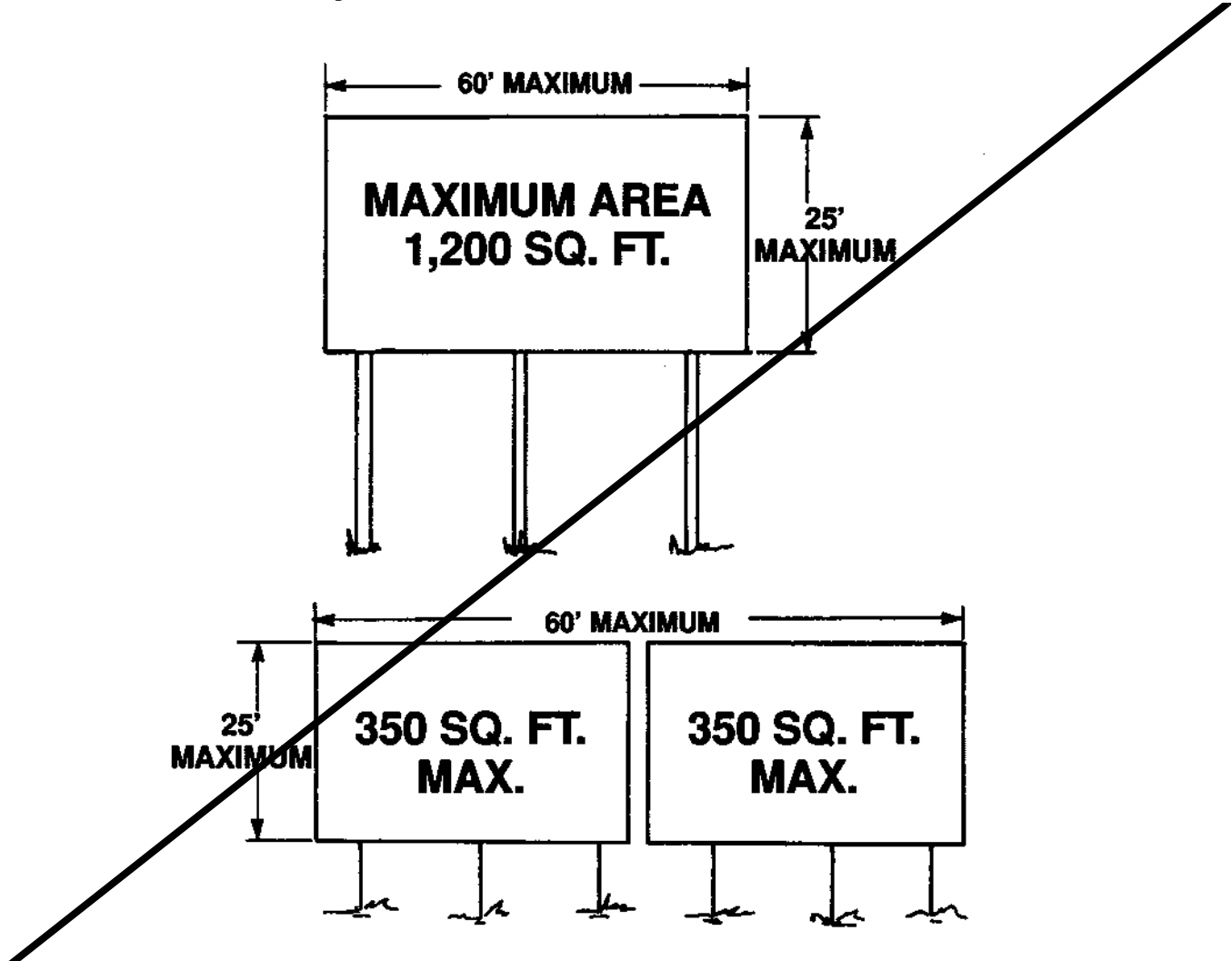


Exhibit 4. ~~Business Area in a County With Comprehensive Zoning Regulations or Unzoned Commercial or Industrial Area~~ Repealed

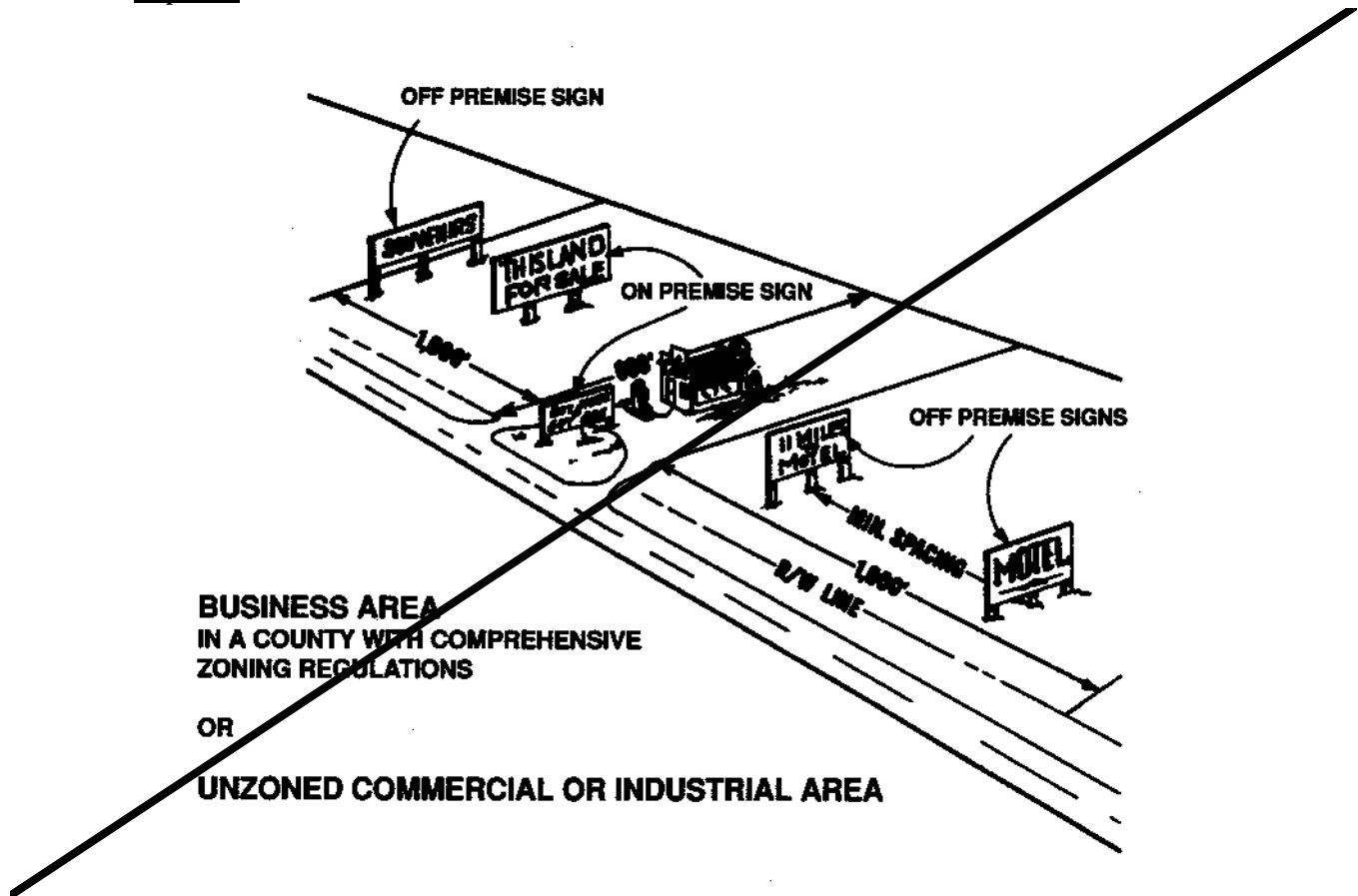


Exhibit 6. ~~Outdoor Advertising Prohibited Area at Rural Freeway Interchange~~ Repealed

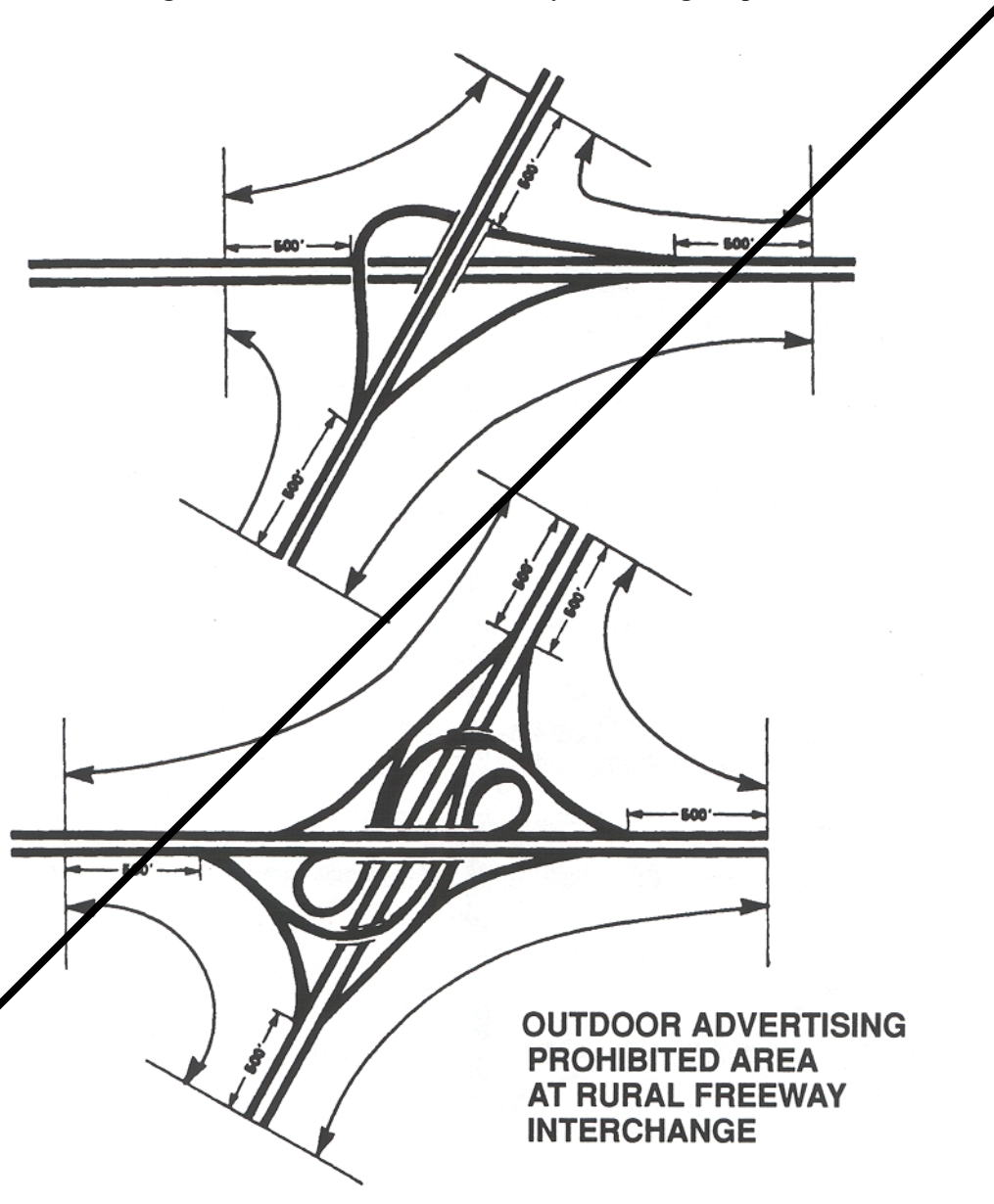


Exhibit 7. ~~Restricted~~ Repealed

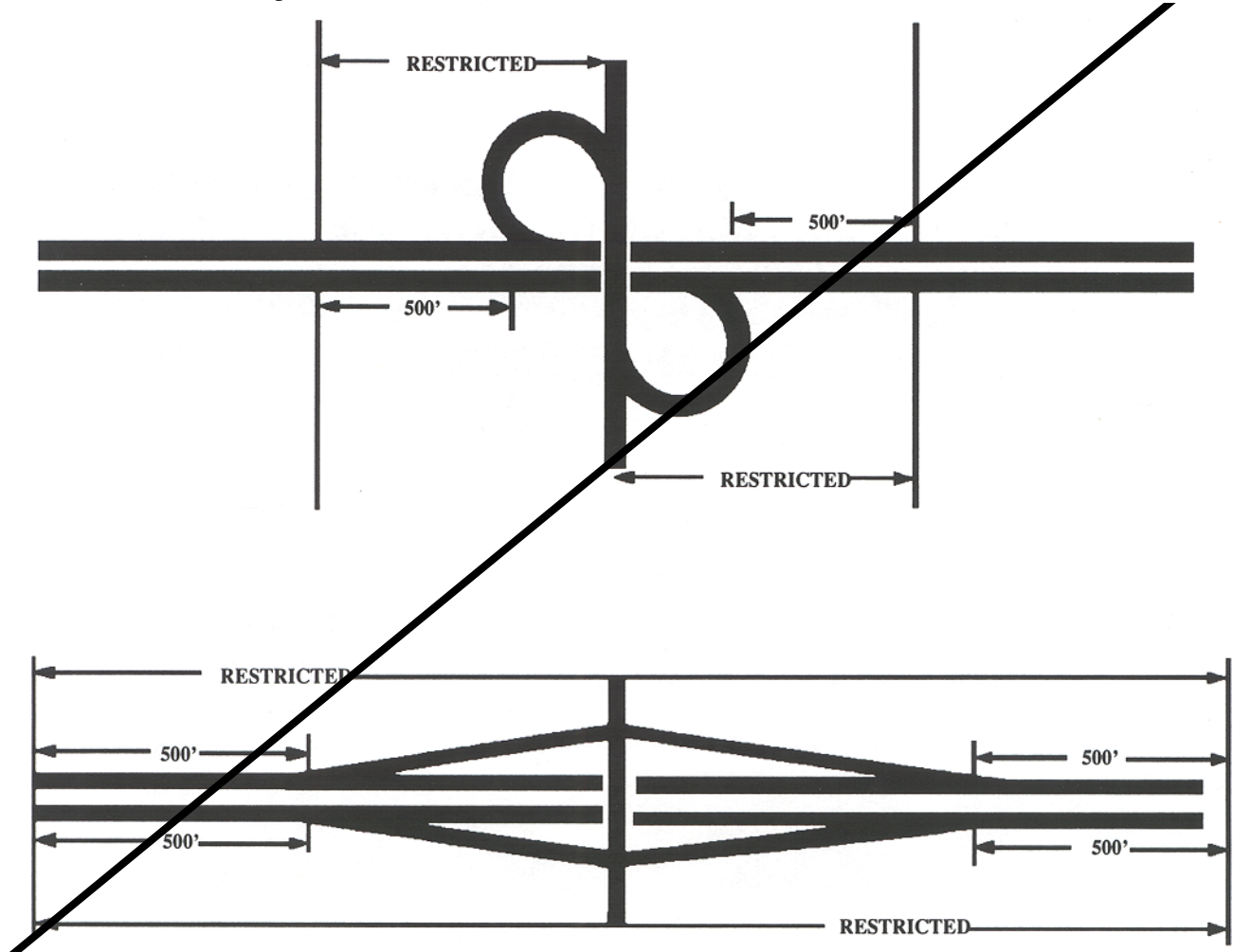


Exhibit 8. ~~A Point 500 Feet Beyond the Point of Widening at the Exit from of the Entrance to the Main-traveled Way to a Freeway~~ Repealed

**A POINT 500 FEET BEYOND THE POINT OF WIDENING
AT THE EXIT FROM OR THE ENTRANCE TO THE MAIN-
TRAVELED WAY TO A FREEWAY.**

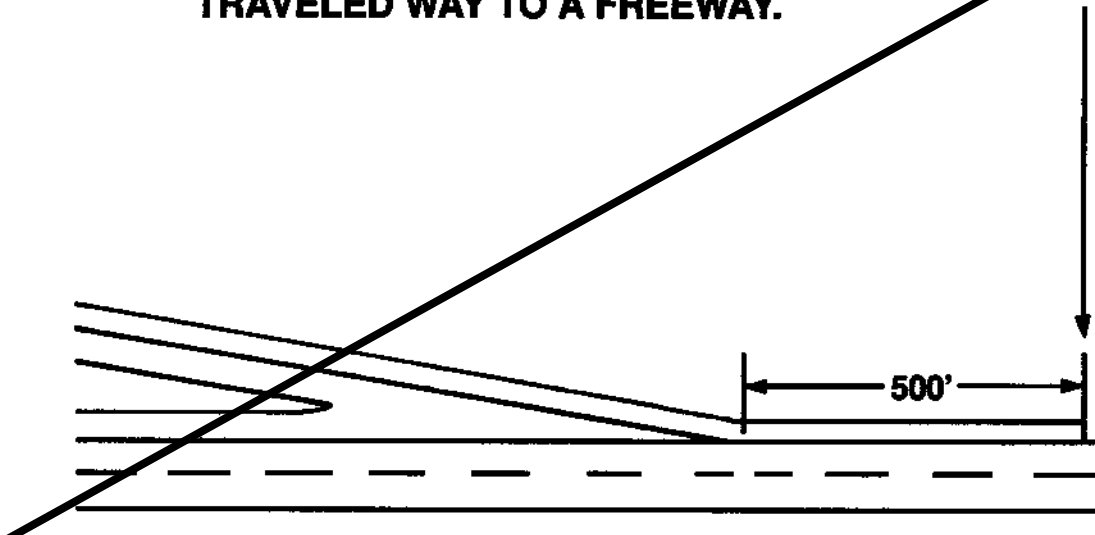


Exhibit 9. ~~List of District Offices~~ Repealed

LIST OF DISTRICT OFFICES

	TELEPHONE	MAILING ADDRESS
DISTRICT I Office	261-7381	2140 W. Hilton Ave. Phoenix, AZ 85009
DISTRICT II Office	622-6701	1221 S. 2nd Ave. P.O. Box 27306 Tucson, AZ 85726
DISTRICT III Office	428-0030	P.O. Box 711 Safford, AZ 85546
DISTRICT IV Office	524-6801	P.O. Box 280 Holbrook, AZ 86025
DISTRICT V Office	774-1491	1801 S. Milton Rd. Flagstaff, AZ 86001
DISTRICT VI Office	445-5391	1210 East Sheldon Prescott, AZ 86301
DISTRICT VII Office	473-4401	U.S. 60-70 Claypool Drawer AD Miami, AZ 85539

R17-3-701.01. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits Repealed

A. Outdoor advertising shall not be erected under A.R.S. § 28-2102(A)(4) or (5) in a zoned area:

1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or

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2. ~~In which limited commercial or industrial activities are permitted as an incident to other primary land uses.~~
- B.** ~~A permit for outdoor advertising shall not be issued under A.R.S. § 28-2106(4) in a zoned area:~~
1. ~~Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or~~
2. ~~In which limited commercial or industrial activities are permitted as an incident to other primary land uses.~~

R17-3-702. Repeat Outdoor Advertising

R17-3-702 through R17-3-702.16 applies to outdoor advertising which is within view of, directed at, and intended to be read from the main-traveled way of the interstate, primary or secondary systems.

R17-3-702.01. Permit Application and Fee

- A.** An individual seeking to obtain a permit shall make application to the Department on a form provided by the Department.
- B.** Each application for a permit shall be accompanied by a check or money order in the amount of \$20, made payable to the Department.
1. An application fee shall not be required for the following directional signs erected by a federal, state, or local government:
- a. Official signs and notices;
- b. Public utility signs;
- c. Service club and religious notices;
- d. Public service signs; or
- e. Directional signs erected by federal, state or local governments.
2. Other directional signs require a permit application and \$20 fee.
- C.** An application for permit shall be completed in full, to include information describing the location of the sign, the sign qualification standards, the permitted area identification, and items listed in subsection R17-3-702.01(D) to be considered by the Department.
- D.** The following supporting documentation shall be submitted to the Department in support of an application for Permit:
1. A signed statement from the governing zoning authority indicating that the zoning is correct for the legal description of the proposed sign location.
- a. In cases where the legal description is listed incorrectly on the application, a new certification must be obtained for the correct legal description.
- b. A legal description shall adequately describe the property for which the application is made.
2. A location diagram which adequately describes the location, and which shall include the following:
- a. Highway route number.
- b. Physical features to include:
- i. Buildings.
- ii. Bridges.
- iii. Culverts.
- iv. Poles.
- v. Mileposts.
- vi. Other stationary land marks, and
- vii. The distance in feet the sign is to be erected from the nearest milepost or cross street intersection, and
- viii. Other off-premise signs in the same vicinity.
3. A signed certification stating that the applicant has the permission of the landowner to erect the sign at the noted legal description, or in lieu thereof, a copy of an executed lease.
- E.** Applicants are required to place an identifiable device or object bearing applicant's name at the proposed sign location to be used by the Department to perform a field check of the proposed site of the outdoor advertising.
- F.** An applicant shall submit a completed application and supporting documentation for permit to the Department as follows:
1. Hand delivered or national delivery service:
Arizona Department of Transportation
Maintenance Permit Services
2739 East Washington Street, Bldg. B
Phoenix, Arizona 85034
2. United States Postal Service or certified and registered mail:
Arizona Department of Transportation
Maintenance Permit Services
206 South 17th Avenue, MD004R
Phoenix, Arizona 85007
- G.** The Department shall process applications for permit in the order received by the Maintenance Permits Services Section, as determined by the Maintenance Permits Services' date and time stamp.

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- H. A separate application and fee shall be submitted to the Department for each outdoor advertising, display or device.
- I. Each application for a permit which does not comply with all requirements of the law and Department regulations shall be denied and the application fee may be retained by the state.
 - 1. The Department shall return the application fee to an applicant if the applicant did not have knowledge of a previous application or permit for the same site.
 - 2. An additional fee of \$20 shall be added to the initial permit fee for a sign erected prior to the issuance of a permit.
- J. An approved application for permit shall be valid for a period of one year from the date of issuance.

R17-3-702.02. Permit Requirements

- A. An applicant shall affix a permit decal on a permanent surface near the portion of the sign structure closest to the main traveled way, and clearly visible from said roadway.
 - 1. Permit decals to replace any which have been issued and were improperly affixed, lost or destroyed, whether before or after attaching to the sign structure, may be purchased from the Department at a cost of \$5 per decal.
 - 2. A sign bearing a permit decal for a sign other than the sign for which the permit was issued shall be in violation.
- B. Outdoor advertising facilities for which permits have been issued shall be erected within 120 days and shall bear the official permit identification issued for the specific facility.
 - 1. If the applicant mails a written request for extension of time to the Department, prior to expiration of the 120 days, an additional 60-day extension may be granted.
 - 2. Any permit canceled because no sign was erected within the prescribed time will result in forfeiture of the \$20 application fee.
- C. If an outdoor advertising sign is removed from a permitted location for any reason, the permit shall expire within 30 days from date of removal.
 - 1. If the permittee notifies the Department of intent to re-erect a sign within the 30 days from date of removal, the Department shall allow 120 days for re-erection.
 - 2. If the permittee fails to re-erect the sign within the 120 days allowed, the Department shall cancel the existing permit.
- D. A commercial or industrial activity which is used to define a business area or unzoned commercial or industrial area shall be in operation at the time the permit application is made.
- E. If a commercial or industrial activity, which has been used in defining or delineating a business area, or an unzoned commercial or industrial area, ceases to operate for a period of six continuous months, any signs qualified by such activity shall be classified by the Department as a legal nonconforming sign.
- F. A permit shall be renewable annually upon payment of a \$5 fee.
 - 1. An existing permit shall not be renewed for an approved location on which no sign structure exists.
 - 2. Renewal fees will become delinquent 30 days after the annual renewal date.
 - 3. On becoming delinquent, such sign structure will be in violation, and a new initial application fee of \$20 will be required.
- G. A permit issued under this Article is transferable upon the sale of a sign, provided the new owner furnishes the Department with notification of the sale within 30 days after the date of the sale.

R17-3-702.03. Restrictions on Right-of-Way Use

- A. No sign shall be erected or maintained from, or by use of, interstate highway rights-of-way.
- B. Any observed action prohibited under subsection R17-3-702.03(A) shall result in cancellation of the permit.
- C. Signs may be erected and maintained from primary and secondary highways only if no other access is available, and an encroachment permit is issued by the Department.

R17-3-702.04. Legal Nonconforming Sign

- A. A legal nonconforming sign shall be in violation if the sign is:
 - 1. Increased in any dimensions of the sign face or structural support;
 - 2. Removed and replaced with a completely different sign;
 - 3. Rebuilt to a different configuration or material composition, beyond normal maintenance;
 - 4. Relocated to a new position or location without being lawfully permitted, except as permitted under subsection R17-3-702.04(E); or
 - 5. Illuminated, if previously not illuminated.
- B. If a new sign, which would otherwise be conforming will make an existing sign nonconforming, the new sign shall not be allowed.
- C. When an existing legal nonconforming sign ceases to display advertising matter for a period of one year, the use of the structure as a legal nonconforming sign is terminated.
- D. A legal nonconforming sign may be re-erected at the same location, or within a reasonable distance of the original location, not to exceed 10 feet.
- E. Re-erection under subsection R17-3-702.04(D) shall only occur in the event the sign has been damaged by tortious acts, or in the course of normal maintenance.

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- E. A legal nonconforming sign may be rebuilt to its original configuration and size when it is destroyed due to vandalism and other criminal or tortious acts.

R17-3-702.05. On-premise Signs

- A. If an activity which has been used in defining an on-premise sign ceases to operate for a period of six continuous months, any signs qualified by such activity shall be considered as off-premise and will require a permit.
- B. Failure to make application for, and obtain a permit from the Department, for an off-premise sign under subsection R17-3-702.05(A) shall result in the Department issuing a violation.
- C. Uses of land which does not serve an integral purpose related to the activity, other than to attempt to qualify the land for signing purposes, shall not be considered as premises.
- D. In the case of an on-premise sign advertising an activity, the premises shall include all actual land used or occupied for such activity, including its:
1. Buildings;
 2. Parking;
 3. Storage and service areas;
 4. Streets;
 5. Driveways; and
 6. Established front, rear, and side yards.
- E. Actual land used or occupied shall constitute an integral part of such activity, provided the sign is located on the property under the same ownership or lease as the activity.

R17-3-702.06. Municipal Limits

When a municipal limit falls between signs the spacing requirement shall be 300 feet between signs, on primary or secondary highways.

R17-3-702.07. Proposed Freeway Alignment

Signs existing or to be erected on primary or secondary highway systems which have been declared by the Director to be a freeway alignment, prior to construction of such freeway, shall be classified as though the freeway already exists, requiring spacing criteria for freeways.

R17-3-702.08. Double-Faced, Back-to-Back, and V-Type Signs

- A. The Department shall limit the issuance of a permit for a Double-Faced, Back-to-Back or V-Type sign structure to:
1. A single sign ownership for each site; and
 2. A sign structure with no more than two faces facing each direction of travel, except as provided under R17-3-702.15.
- B. Double-Faced signs shall not exceed 350 square feet per face.
- C. A V-Type sign's spacing shall be measured from other signs from the middle of the apex.

R17-3-702.09. Requests for Hearings and Appeals

Hearings and appeals shall be noticed and conducted under A.R.S. § 28- 7906 and 17 A.A.C. 1, Article 5.

R17-3-702.10. Directional and Other Official Signs Scope and Application

- A. Regulations under R17-3-702.10 through R17-3-702.16 shall apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right-of-way of the interstate, federal-aid primary and secondary highway systems, and which are visible from the main traveled way of the systems.
- B. Signs under subsection (A) shall conform to national standards, promulgated by the Secretary of Transportation under 23 U.S.C. 131(c).
- C. Regulations under subsection R17-3-702.10(A) shall not apply to directional and other official signs erected on the highway right-of-way.

R17-3-702.11. Standards for Directional Signs

The following apply only to directional signs:

1. General. The following signs shall be prohibited. A sign:
 - a. Advertising an activity that is illegal under federal or state laws or regulations in effect at the location of the sign or at the location of the activity;
 - b. Located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic;
 - c. Located in safety rest areas, parklands or scenic areas;
 - d. Which is obsolete;
 - e. Which is structurally unsafe or in disrepair;
 - f. Which moves or has any animated or moving parts; or
 - g. Which is erected or maintained upon trees, or painted or drawn upon rocks or other natural features.
2. Size. No sign shall exceed the following limits, which include border and trim, but exclude supports:

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- a. Maximum area of 150 square feet.
- b. Maximum height of 20 feet, and
- c. Maximum length of 20 feet.
- 3. Lighting. A sign may be illuminated, except as follows:
 - a. A sign which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights;
 - b. A sign which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate System or Primary System;
 - c. A sign which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle; or
 - d. A sign so illuminated as to interfere with the effectiveness of, or obscure an official traffic sign, device, or signal.
- 4. Spacing.
 - a. Each location of a directional sign shall be approved by the Department.
 - b. No directional sign shall be located within 2,000 feet of an interchange or intersection at grade along the interstate system or other freeways, measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening, at the exit from or entrance to the main traveled way.
 - c. No directional sign shall be located within 2,000 feet of a safety rest area, parkland, or scenic area.
 - d. No two directional signs facing the same direction of travel shall be spaced less than one mile apart.
 - e. Not more than three directional signs pertaining to the same activity, and facing the same direction of travel shall be erected along a single route approaching the activity.
 - f. A directional sign located adjacent to the Interstate System shall be within 75 air miles of the activity.
 - g. A directional sign located adjacent to the Primary System shall be within 50 air miles of the activity.
 - h. No directional sign shall be located within 500 feet of an off-premise outdoor advertising sign on any state highway.
- 5. Message content.
 - a. The message on a directional sign shall be limited to the identification of the attraction or activity, and directional information useful to the traveler in locating the attraction, such as mileage, route number, or exit number.
 - b. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs shall be prohibited.
- 6. Selection method and criteria for a privately owned activity or attraction to obtain directional sign approval.
 - a. A privately owned activity or attraction eligible for directional signing is limited to the following categories:
 - i. Natural phenomena.
 - ii. Natural scenic beauty.
 - iii. Historic site.
 - iv. Educational site.
 - v. Cultural site.
 - vi. Scientific site.
 - vii. Religious site, or
 - viii. Outdoor recreational area.
 - b. To be eligible for directional signing, a privately owned attraction or activity shall be nationally or regionally known, and of outstanding interest to the traveling public.

R17-3-702.12. Directional Signs Application Process

- A.** The Director shall appoint a Board which shall evaluate and approve the qualifications for directional signing of a privately owned activity or attraction as limited to the categories under R17-3-702.11(6)(a), and the qualification under R17-3-702.11(6)(b).
- B.** An applicant for a directional sign involving a privately owned activity or attraction, shall first qualify such activity or attraction by submitting an official qualification form to the Department, along with any supporting documentation to be considered by the Board.
- C.** An applicant shall indicate one or more categories under R17-3-702.11(6)(a) that is applicable to the activity or attraction for which qualification is sought.
- D.** An applicant shall submit a statement and supporting documentation that the activity or attraction is nationally or regionally known and is of outstanding interest to the traveling public.
- E.** The Board shall notify the applicant in writing of the board's decision whether to approve or deny the application.
- F.** The Department shall not issue a permit for a directional sign for a privately owned activity or attraction until receipt of qualification approval by the Board.

R17-3-702.13. Rural Activity Sign

- A.** A rural activity sign shall be located in an area primarily rural in nature.
- B.** Rural activities that may qualify for rural activity signing include ranches, recreational areas, and mines.

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- C. A rural activity sign for a private residence, subdivision, or a commercial activity shall not be permitted by the Department.
- D. A rural activity sign for an industrial activity that is located in a primarily rural area, such as a mine or material pit may be allowed by the Department.
- E. A rural activity sign shall not be located in:
 - 1. A business area.
 - 2. An unzoned commercial or industrial area, or
 - 3. Within municipal limits.
- F. The Board shall make the final determination of eligibility for such signs when necessary.
- G. There shall not be more than one rural activity sign pertaining to a specific rural activity facing the same direction of travel along a single route approaching the rural connecting road.
- H. A rural activity sign shall be limited to 10 square feet in area.
- I. All other regulations for directional signs under R17-3-701 through R17-3-702.16 shall apply.

R17-3-702.14. Public Service Sign

- A. A public service sign shall:
 - 1. Identify the donor, sponsor, or contribution of the school bus stop shelter;
 - 2. Contain safety slogans or messages, which shall occupy not less than 60 percent of the area of the sign;
 - 3. Contain no other message;
 - 4. Not exceed 32 square feet in area.
- B. There shall not be more than one sign, facing in any one direction, on each bus stop shelter.

R17-3-702.15. Multifaced Community Signs

Local chambers of commerce may obtain a permit to erect a sign with more than two faces.

- 1. The sign shall not exceed 1,200 square feet in area;
- 2. The sign shall have a maximum overall vertical facing of 25 feet and a maximum overall horizontal facing of 60 feet, including border and trim, and excluding base or apron supports and other structural members; and
- 3. All other laws, rules and regulations shall apply to multifaced community signs as to other off-premise signs.

R17-3-702.16. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits

- A. Outdoor advertising shall not be erected under A.R.S. § 28-2102(A)(4) or (5) in a zoned area:
 - 1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or
 - 2. In which limited commercial or industrial activities are permitted as an incident to other primary land uses.
- B. A permit for outdoor advertising shall not be issued under A.R.S. § 28-2106(4) in a zoned area:
 - 1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or
 - 2. In which limited commercial or industrial activities are permitted as an incident to other primary land uses.